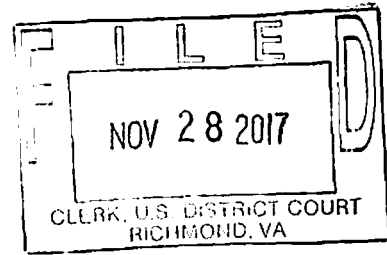


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



KELVONTAE WASHINGTON,

Plaintiff,

v.

Civil Action No. **3:17CV636**

CHELSEA MALLORY,

Defendant.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se*, has submitted a "CIVIL ACTION HABEAS CORPUS (UNDER 28 U.S.C. § 2254)." (ECF No. 1.) Despite his labeling of the action as a 28 U.S.C. § 2254 petition, it was not clear from Plaintiff's submissions whether he wished to pursue a civil rights action under 42 U.S.C. § 1983 or a petition for a writ of habeas corpus under 28 U.S.C. § 2254. By Memorandum Order entered on October 10, 2017, the Court directed Plaintiff to complete and return, within fifteen (15) days of the date of entry thereof, either the standardized form for filing a § 2254 petition or a standardized form for filing a 42 U.S.C. § 1983 action. The Court warned Plaintiff that the failure to comply with the above directive would result in the dismissal of the action without prejudice. *See* Fed. R. Civ. P. 41(b).

More than fifteen (15) days have elapsed since the entry of the October 10, 2017 Memorandum Order and Plaintiff has not responded. Accordingly, the action will be **DISMISSED WITHOUT PREJUDICE**. A certificate of appealability will be **DENIED**.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 11/28/17
Richmond, Virginia

M. Hannah Vanhook
United States District Judge